

REMARKS

Claims 1-6, 8, 10, 12, and 14-17 are pending, with claims 1 and 17 being independent.

Applicant and Applicant's Representative thank the Examiner for the courtesies extended during the in-person interview conducted on December 19, 2006. Applicant believes that the present amendment and response reflects the substance of that interview.

Applicant thanks the Examiner for indicating that claim 12 contains allowable subject matter.

Double Patenting Rejection

Claims 1-6, 8, 12, 14, 15 and 17 stand rejected for non-statutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,108,028. A terminal disclaimer is being filed concurrently with this amendment to remove this rejection.

35 U.S.C. § 112, 2nd Paragraph

Claims 1-6, 8-10, 12 and 14-17 stand rejected under 35 U.S.C. § 112, second paragraph for being indefinite. Specifically, the Office Action alleges that it is not clear if it is the front portion or the rear portion that define a lip or if both portions define a lip. Applicant has amended independent claims 1 and 17 to obviate this rejection. As amended, independent claim 1 recites that the lip is between the front portion and the rear portion, as discussed during the in-person interview. Similarly, independent claim 17 recites that the lip is between the front portion and the rear portion.

For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-6, 8-10, 12 and 14-17.

35 U.S.C. § 103(a) Rejections

Claim 1-6, 8, 10 and 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang (6,712,106) in view of Schneider (6,520,365). Applicant has amended independent claim 1 to obviate this rejection.

As amended, independent claim 1 recites a debris collection container for a planer that includes, among other features, a receptacle for storage of debris generated by the planer, where the receptacle includes a first rigid section, a second rigid section and a deformable section located between and connecting the first rigid section and the second rigid section. The container includes a connector connectable between the planer and the receptacle. The first rigid section can be releasably attached to the second rigid section when the deformable section is in a compressed condition. The first rigid section includes a front portion and a rear portion that define a lip and the connector is releasably attachable to the front portion, where the lip is between the front portion and the rear portion. This amendment is supported at least, for example, in Fig. 7 and the corresponding text in paragraph [0018] on page 7.

Applicant respectfully requests reconsideration and withdrawal of this rejection Wang and Schnieder, either alone or in combination, fail to describe or suggest a first rigid section that includes a front portion and a rear portion that define a lip, where the lip is between the front portion and the rear portion.

Instead, Wang describes a dust bag 1 with a fastening member 33 that is secured to a flange 50 on a top open end of a bucket 5. See Wang, col. 2, lines 9-22. The Office Action alleges that flange 50 is a first rigid section. See Office Action dated November 16, 2006, p. 4. However, the flange 50 does not include a front portion and a rear portion that define a lip, where the lip is between the front portion and the rear portion, as recited in amended claim 1.

Schneider does not remedy the failure of Wang. Instead, Schneider describes a container 10 that includes a cylindrical sidewall 12 extending between a top 14 and a bottom 16 of container 10. See Schneider, col. 2, lines 61-62. The Office Action alleges that top 14 is a first rigid section. See Office Action dated November 16, 2006, p. 4. However, top 14 does not include a front portion and a rear portion that define a lip, where the lip is between the front portion and the rear portion, as recited in amended claim 1.

For at least these reasons, Applicant respectfully request reconsideration and withdrawal of the rejection of amended claim 1 and its dependent claims 2-6, 8, 10, and 14-16

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Liao et al. (6,481,475) and Schneider. Applicant has amended claim 17 to obviate this rejection. Similarly to amended claim 1, amended independent claim 17 recites a first rigid section that includes a front portion and a rear portion that define a lip, where the lip is between the front portion and the rear portion.

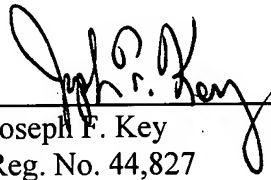
Liao does not remedy the failure of Wang and Schneider to describe or suggest a first rigid section that includes a front portion and a rear portion that define a lip, where the lip is between the front portion and the rear portion. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claim 17, as discussed above with respect to claim 1.

Applicant submits that all claims are in condition for allowance.

Enclosed is an authorization to charge deposit account 02-2548 for the Terminal Disclaimer fee. Please apply any deficiencies or credits to deposit account 02-2548.

Respectfully submitted,

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